

U. H. nothing but a discharge vpon Record of the same Court can  
Journal be admitted & yett the p<sup>l</sup>ts bill was dismiss vpon a bare Aver-  
1659-69 ment of a few wittnesses.

2<sup>dly</sup> In the Court of Chancery the Chancellor being the  
Cheife & only Judge according to the lawe & Custome of Eng-  
land the p<sup>l</sup>ts bill was notw<sup>th</sup>standing dismiss Contrary to the  
opinion of the Chancellor.

p. 197 3<sup>dly</sup> The order of dismission was granted vpon a false and  
feigned surmise & the Court therein surprised for whereas in  
the s<sup>d</sup> Evidence itt is surmised that the s<sup>d</sup> Recognizance before  
the Lord Baltemore was in lieu of the Ad<sup>cōn</sup> of Justineau  
Snowes estate in Maryland Jtt is apparent by the date of the  
s<sup>d</sup> Letters of Ad<sup>cōn</sup> & Quietus Est thereupon Granted Com-  
pared with the Recognizance afores<sup>d</sup> that the Recognizance  
was entred into many moneths after the date of the Quietus  
Est & th<sup>t</sup> itt was in security for divers sumes of money due  
from the s<sup>d</sup> Thomas Gerrard vnto Abel Snowe as well vpon the  
purchase of the whole Estate of the s<sup>d</sup> Abell here in Maryland  
as for money by him the s<sup>d</sup> Thomas Gerrard borrowed of Abell  
Snowe for the setting forth of him the s<sup>d</sup> Thomas Gerrard  
vpon his voyage into this Province of Maryland never as yett  
satisfyed by the s<sup>d</sup> Thomas Gerrard

signed Marmaduke Snowe

Whereupon a writt ad audiendum Errores was granted &  
issued out ag<sup>t</sup> the s<sup>d</sup> Thomas Gerrard ret. the seventeenth  
instant & this order following written vnderneath the s<sup>d</sup> writt  
(vizt).

Ordered that the Sherriff readeing this writt & leaueing this  
order & a Coppy of the writt att the howse of Thomas Ger-  
rard shall be sufficient notice to the s<sup>d</sup> Thomas Gerrard

John Gittings Clre.

The howse ajourned till two of the  
Clock in the Afternoone

The howse mett againe

When was calld Doctor Luke Barber & Henry Spinke when  
itt was moved by Henry Spinke his Attorney W<sup>m</sup> Calvert Esq<sup>r</sup>  
that they might have a Coppy of the whole proceedings tran-  
scribed ag<sup>t</sup> to morrow morning wherefore Jtt is Ordered that  
p. 198 a Coppy of the whole proceedings betweene Henry Spinke Et  
ux p<sup>l</sup>ts and doctor Barber def<sup>t</sup> be transcribed by to morrow  
morning 9 of the Clock att which tyme the Cause is to be  
heard